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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,424

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Jeroen Adrianus Johannes Thijs

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BRIARCLIFF MANOR, NY 10510

EXAMINER

JAMA, ISAAK R

ART UNIT

PAPER NUMBER

2617

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/596,424	THIJS ET AL.	
	Examiner	Art Unit	
	ISAAK R. JAMA	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1,5 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4, 6-11, 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Claims 1-20 are pending.
2. Claims 2, 4, 11 are amended.
3. Claims 1, 5 and 12 are canceled.

Response to Arguments

4. Applicant's arguments with respect to claims 2-4, 6-11 and 13-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4, 6-11, 13 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,292,687 (Lowell et al.) in view of U.S. Patent Number 7,289,029 (Madema et al.).
6. Regarding claims 2, 4 and 11, Lowell teaches an emergency response system for summoning an emergency responder and for routing said responder to a victim **[Figure 1]**, said system comprising; a central station **[Figure 1, # 31]** for actuating a remote emergency response device by transmitting a trigger signal to said device upon a signaling of a victim in a vicinity of said emergency response device **[Column 5, lines**

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6-15], wherein said trigger signal comprises position information of the victim **[Column 7, lines 32-33]**; and an actuatable emergency response device **[Figure 1, # 28]** comprising: a communication unit configured to activate a signaling upon receipt of the trigger signal; the signaling unit configured to broadcast a message for summoning an emergency responder to the victim **[Column 5, lines 4-13]**; navigation unit configured to determine a routing of the emergency responder to the victim based on the position information of the victim and position information of the emergency response device **[Figure 1, # 38; column 7, lines 59-64; in addition, Lowell discloses that alarm signals preferably include additional location signals such as global positioning satellite signals (GPS signals) or other signals which pinpoint the location of the victim when response personnel are receiving the alarm at a response location distant from the victim or at the AED machine when the AED machine is located outside the immediate area of the victim]**; and a user interface arranged to feed back the routing to the emergency responder **[Column 8, lines 5-12]**. But Lowell does not specifically teach that the navigation unit being activated in response to detecting an action of the emergency responder on the emergency response device. Madema teaches a technique for initiating direct communication between an emergency medical device and a safety agency **[Abstract]**, whereby an automated external defibrillator (AED) detects an event and contacts a safety agency in response to the detected event **[Column 4, lines 18-19]**. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the method of Madema into

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the medical emergency response and locating system of Lowell in order to promptly notify emergency service providers.

5. Regarding claims 3 and 10, Lowell teaches a system wherein the emergency response device comprises an automatic external defibrillator **[Figure 1, # 33, abstract]**.

6. Regarding claims 6 and 7, Lowell teaches a device wherein the communication means comprises a wireless telecommunication means or wired telecommunication means, said wired telecommunication means comprising at least one of a computer modem or a fixed line telephone unit **[Column 6, lines 55-63]**.

7. Regarding claim 8, Lowell teaches that the signaling means comprises a wireless communication unit configured to contact all wireless communication units located in the vicinity of the wireless communication unit **[Figure 1, i.e. communication interface signal is wirelessly communicating with the emergency response center]**.

8. Regarding claim 9, Lowell teaches that the signaling means comprises a loud speaker arranged for broadcasting a verbal message **[Column 7, lines 32-36]**.

9. Regarding claim 13, Lowell teaches that the emergency response device selected is an automated external defibrillator **[Column 5, lines 8-15]**.

10. Regarding claim 16, Lowell further teaches that user interface comprises a display configured to project the routing instructions and a map of the routing instructions **[Column 8, lines 8-14, i.e. An Alpine PowerNav system will display a map showing the route to the location and will provide audio instructions telling a person in the vehicle when to turn, in which direction to turn, and how far to go]**

before turning to guide the person and vehicle to the desired location. Thus, with a victim location, the emergency response person can be guided to the victim].

11. Regarding claim 17, Lowell further teaches that user interface comprises a display configured to project instructions to guide the emergency responder through steps of delivering a defibrillation shock **[Column 1, lines 48-52, i.e. AED machines are currently available that can be operated by untrained persons by merely reading simple instructions on the AED or listening to voice instructions generated by the AED during use].**

12. Regarding claim 18, Lowell teaches that navigation unit stores a floor plan of at least a portion of a building in which the emergency response device is located and the user interface displays at least a portion of the floor plan as part of the routing fed back to the emergency responder **[Figure 3, columns 10 & 11, lines 66-67 and 1-8].**

13. Regarding claim 19, Lowell further teaches that the detector comprises a movement detector configured to detect when the emergency response device is picked up by the emergency responder **[Column 5, lines 42-48; i.e. the user might inadvertently remove the heart dysfunction reader without deactivating the system first, or the heart dysfunction reader might be inadvertently knocked off or out of position during sleep or other activity of the user, which would result in the heart dysfunction reader reading a lack of sign or signal that the sensor would indicate as an alarm condition].**

15. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,292,687 (Lowell et al.) in view of U.S. Patent Number

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7,289,029 (Madema et al.) and further in view of U.S. Patent Number 5,685,786 (Dudley).

2. Regarding claims 14 and 15, Lowell and Madema has been discussed above in regard to claim 2, above. But neither Lowell nor Madema specifically teach that central station comprises a look-up table of pre-stored position information of publicly available actuatable emergency response devices and is configured to automatically transmit the trigger signal to a selected emergency response device. Dudley teaches a system and method for providing position and other information to a golfer playing a golf course **[Column 1, lines 11-13]**, whereby a differential global positioning satellite receiver (DGPS) is utilized to calculate a golf cart position and each time the cart stops, the detected position is compared with positions of landmarks mapped to zones on holes of the course. A location of each landmark is predetermined and stored in a look-up table, after which the golf cart position is compared with the pre-stored positions to obtain a distance between the golf cart and each landmark **[Abstract]**. Furthermore, Lowell teaches that AED units (i.e. emergency response device) each have an AED alarm on or associated with the unit so that a victim's emergency condition activates the victim's personal alarm and the alarm at the AED location. This means that a response person, who can be any person who becomes aware of the alarm, will have help both in finding the victim who needs immediate help and in finding an AED machine to use in providing the immediate help to the victim, but Lowell is silent on that the position of the emergency response device is pre-stored. Dudley teaches that location of each landmark is predetermined and stored in a look-up table. Therefore, it would have been

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obvious to a person of ordinary skill in the art at the time the invention was made to include the locating method of Dudley into the combined system of Lowell and Madema in order to improve the response of the emergency medical personnel.

3. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,292,687 (Lowell et al.) in view of U.S. Patent Number 7,289,029 (Madema et al.) and further in view of U.S. Patent Number 6,459,371 (Pike).

4. Regarding claim 20, Lowell and Madema has been discussed above in regard to claim 4, above. But neither Lowell nor Madema specifically teach that the detector comprises a release clutch configured to detect when the emergency response device is removed from its dwell location by the emergency responder. Pike teaches a locating device that comprises a sensor for sensing a signal containing position locating information **[Abstract]**, whereby when the locating device is activated, a control device causes a radio transceiver to transmit an alarm signal **[Column 3, lines 10-12]**, and that the activating means may comprise a switch provided on the locating device, a remote switch having means for transmitting an activation signal to the locating device, means for sensing unauthorized removal of the locating device, means for sensing excessive movement, lack of movement and/or tilting of the locating device, means for sensing an activating signal transmitted to the locating device from a remote transmitter, either directly or via the radio transceiver **[Column 3, lines 30-38]**. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the sensor method of Pike into the combined system of Lowell and Madema in order to facilitate a rapid response from the emergency medical personnel.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent Number 6,597,948 (Rockwell et al.) teaches a defibrillator with wireless communications. U.S. Patent Number 5,593,426 (Morgan et al.) teaches a defibrillator system using multiple external defibrillators and a communications network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ISAAK R. JAMA whose telephone number is (571)270-5887. The examiner can normally be reached on 7:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/IRJ/

/Lester Kincaid/

Supervisory Patent Examiner, Art Unit 2617